

AMENDED IN ASSEMBLY APRIL 19, 2004
AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2535

Introduced by Assembly Member Steinberg

February 20, 2004

~~An act to amend Section 8880.5 of the Government Code, relating to the California State Lottery. An act relating to instructional materials.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2535, as amended, Steinberg. ~~California State Lottery Instructional materials.~~

Existing law establishes the State Instructional Materials Fund for the purpose of annually funding the acquisition of instructional materials as required by the Constitution of the State of California. Existing law continuously appropriates all money in the fund to the State Department of Education which administers the fund under policies established by the State Board of Education. Existing law establishes the Schiff-Bustamante Standards-Based Instructional Materials Program to ensure that pupils in kindergarten and grades 1 to 12, inclusive, are provided with instructional materials in the core curriculum areas of language arts, mathematics, history/social science, and science that are aligned with state content standards as adopted by the State Board of Education.

This bill would require that commencing with the 2004–05 fiscal year, and each fiscal year thereafter, there be appropriated in the annual

Budget Act no less than \$175,000,000 to the Superintendent of Public Instruction for allocation to local educational agencies for the purpose of purchasing instructional materials. The bill would make legislative findings and declarations in that regard.

~~(1) The California State Lottery Act of 1984 establishes a state lottery that, among other things, provides funds to benefit public education. The act specifies that of the total annual revenues from the sale of state lottery tickets or shares, 50% shall be returned to the public in the form of prizes, as specified, at least 34% shall be allocated to the benefit of public education, as specified, and no more than 16% shall be allocated for the payment of expenses of the lottery as described in the lottery act.~~

~~This bill would require the funds received by each school district under the act to be used by the district to ensure compliance with specified laws relating to instructional materials and to ensure the availability of textbooks and other instructional materials aligned to academic content standards.~~

~~(2) The bill would provide that the changes to the lottery act specified in (1) take effect only when submitted to and approved by the voters. The bill would require that its provisions be submitted to the electors at the next statewide election occurring 131 days after this bill is adopted.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 8880.5 of the Government Code is~~
- 2 *SECTION 1. (a) The Legislature finds and declares as*
- 3 *follows:*
- 4 *(1) Access to standards-aligned instructional materials is*
- 5 *integral to the academic success of pupils.*
- 6 *(2) Parents of public school pupils rightfully expect their*
- 7 *children to have access to quality instructional materials to be*
- 8 *used at home and in the classroom.*
- 9 *(3) To ensure pupil access to standards-aligned instructional*
- 10 *materials, it is crucial that the state provide funding specifically*
- 11 *for purchasing standards-aligned instructional materials.*

(4) *The amount of state funding designated for school districts to purchase instructional materials reached a multiyear low of less than thirty dollars (\$30) per pupil in the 2003–04 fiscal year.*

(b) *Therefore, it is the intent of the Legislature to provide certainty to school districts about state funds designated for the purchase of standards-aligned instructional materials by establishing a minimum level of funding for instructional materials.*

SEC. 2. *Commencing with the 2004–05 fiscal year, and each fiscal year thereafter, there shall be appropriated in the annual Budget Act no less than one hundred seventy-five million dollars (\$175,000,000) to the Superintendent of Public Instruction for allocation to local educational agencies for the purpose of purchasing instructional materials.*

~~amended to read:~~

~~8880.5.— Allocations for education:~~

~~The California State Lottery Education Fund is created within the State Treasury, and is continuously appropriated for carrying out the purposes of this chapter. The Controller shall draw warrants on this fund and distribute them quarterly in the following manner, provided that the payments specified in subdivisions (a) to (g), inclusive, shall be equal per capita amounts:~~

~~(a) (1) Payments shall be made directly to public school districts, including county superintendents of schools, serving kindergarten and grades 1 to 12, inclusive, or any part thereof, on the basis of an equal amount for each unit of average daily attendance, as defined by law and adjusted pursuant to subdivision (f):~~

~~(2) Funds received pursuant to this subdivision shall be used to ensure all of the following:~~

~~(A) That textbooks and other instructional materials aligned to academic content standards are available to each pupil.~~

~~(B) Compliance with Section 60119 of the Education Code.~~

~~(b) Payments shall also be made directly to public school districts serving community colleges, on the basis of an equal amount for each unit of average daily attendance, as defined by law.~~

~~(c) Payments shall also be made directly to the Board of Trustees of the California State University on the basis of an~~

1 amount for each unit of equivalent full-time enrollment. Funds
2 received by the trustees shall be deposited in and expended from
3 the California State University Lottery Education Fund, which is
4 hereby created or, at the discretion of the trustees, deposited in
5 local trust accounts in accordance with subdivision (j) of Section
6 89721 of the Education Code.

7 (d) ~~Payments shall also be made directly to the Regents of the~~
8 ~~University of California on the basis of an amount for each unit of~~
9 ~~equivalent full-time enrollment.~~

10 (e) ~~Payments shall also be made directly to the Board of~~
11 ~~Directors of the Hastings College of the Law on the basis of an~~
12 ~~amount for each unit of equivalent full-time enrollment.~~

13 (f) ~~Payments shall also be made directly to the Department of~~
14 ~~the Youth Authority for educational programs serving~~
15 ~~kindergarten and grades 1 to 12, inclusive, or any part thereof, on~~
16 ~~the basis of an equal amount for each unit of average daily~~
17 ~~attendance, as defined by law.~~

18 (g) ~~Payments shall also be made directly to the two California~~
19 ~~Schools for the Deaf, the California School for the Blind, and the~~
20 ~~three Diagnostic Schools for Neurologically Handicapped~~
21 ~~Children, on the basis of an amount for each unit of equivalent~~
22 ~~full-time enrollment.~~

23 (h) ~~Payments shall also be made directly to the State~~
24 ~~Department of Developmental Services and the State Department~~
25 ~~of Mental Health for clients with developmental or mental~~
26 ~~disabilities who are enrolled in state hospital education programs,~~
27 ~~including developmental centers, on the basis of an equal amount~~
28 ~~for each unit of average daily attendance, as defined by law.~~

29 (i) ~~No Budget Act or other statutory provision shall direct that~~
30 ~~payments for public education made pursuant to this chapter be~~
31 ~~used for purposes and programs (including workload adjustments~~
32 ~~and maintenance of the level of service) authorized by Chapters~~
33 ~~498, 565, and 1302 of the Statutes of 1983, Chapter 97 or 258 of~~
34 ~~the Statutes of 1984, or Chapter 1 of the Statutes of the 1983-84~~
35 ~~Second Extraordinary Session.~~

36 (j) ~~School districts and other agencies receiving funds~~
37 ~~distributed pursuant to this chapter may at their option utilize funds~~
38 ~~allocated by this chapter to provide additional funds for those~~
39 ~~purposes and programs prescribed by subdivision (i) for the~~
40 ~~purpose of enrichment or expansion.~~

1 ~~(k) As a condition of receiving any moneys pursuant to~~
2 ~~subdivision (a) or (b), each district and county superintendent of~~
3 ~~schools shall establish a separate account for the receipt and~~
4 ~~expenditure of those moneys, which account shall be clearly~~
5 ~~identified as a lottery education account.~~

6 ~~(l) Commencing with the 1998–99 fiscal year, and each year~~
7 ~~thereafter, for the purposes of subdivision (a), average daily~~
8 ~~attendance shall be increased by the statewide average rate of~~
9 ~~excused absences for the 1996–97 fiscal year as determined~~
10 ~~pursuant to the provisions of Chapter 855 of the Statutes of 1997.~~
11 ~~The statewide average excused absence rate, and the~~
12 ~~corresponding adjustment factor required for the operation of this~~
13 ~~subdivision, shall be certified to the State Controller by the~~
14 ~~Superintendent of Public Instruction.~~

15 ~~(m) It is the intent of this chapter that all funds allocated from~~
16 ~~the California State Lottery Education Fund shall be used~~
17 ~~exclusively for the education of pupils and students and no funds~~
18 ~~shall be spent for acquisition of real property, construction of~~
19 ~~facilities, financing of research, or any other noninstructional~~
20 ~~purpose.~~

21 ~~SEC. 2. Section 1 of this act amends the California State~~
22 ~~Lottery Act of 1984, an initiative statute, and shall become~~
23 ~~effective only when submitted to and approved by the voters.~~
24 ~~Section 1 of this act shall be submitted to the electors at the next~~
25 ~~statewide election occurring at least 131 days after this act is~~
26 ~~adopted in the same manner as measures submitted to the voters~~
27 ~~by the Legislature, as provided in the Elections Code.~~